REMARKS

Claims 1-49 are currently pending in the subject application and are presently under consideration. Claims 30 and 33 have been currently amended. Applicants' representative thanks Examiner Wu for the courtesies extended on the interview dated April 27, 2007. The merits of the subject claims vis-à-vis the cited reference were discussed. However, no agreement could be reached.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I.   Rejection of Claims 30-36 and 45-48 Under 35 U.S.C. §101

Claims 30-36 and 45-48 stand rejected under 35 U.S.C. §101 because the claims are allegedly directed to a non-statutory subject matter. Withdrawal of this rejection is requested in view of the aforementioned amendments to independent claim 30 and 33. *When functional descriptive material is recorded on a computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized.* Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994). Claims 30 and 33 have been amended to recite that the computer executable instructions are stored on the computer readable medium. Hence, such instructions would be structurally and functionally interrelated to the medium. In view of at least the aforementioned, these rejections should be withdrawn.

II.a   Rejection of Claims 1-24, 32- 43 and 46-49 Under 35 U.S.C. §102(e)

Claims 1-24, 32- 43 and 46-49 stand rejected under 35 U.S.C. §102(e) as being anticipated by Cheng, *et al.*, (U.S. 6,366,934). This rejection should be withdrawn for the following reasons. Cheng, *et al.* does not disclose or suggest each and every limitation set forth in the subject claims.

> A single prior art reference anticipates a patent claim only
> if it ***expressly or inherently describes each and every***
> ***limitation set forth in the patent claim***. *Trintec Industries,*
> *Inc. v. Top-U.S.A. Corp.,* 295 F.3d 1292, 63 USPQ2d 1597

(Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California,* 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The **identical invention must be shown in as complete detail as is contained in the ... claim**. *Richardson v. Suzuki Motor Co.,* 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Applicants' claimed subject matter provides for transforming hierarchical data, such as XML data, into a rowset and transforming a rowset into hierarchical data such as XML data. To this end independent claims 1, 12, 20, 23, 32, 33 and 37 recite similar features namely: **a query processor** *that receives from a process a query of a database query language including a number of metaproperties and that uses the query in selecting a subset of the data from the active store that matches the query* **to form the rowset, and returns the rowset to the process as query results**. Cheng, *et al.* does not disclose or suggest these novel aspects.

Cheng, *et al.* relates to an extender for a relational database system for storing, querying and retrieving *structured* documents (*See* Cheng, *et al.* Abstract). Accordingly, Cheng, *et al.* teaches creation of XML tables that include one or more XML columns that contain XML documents (*See* Cheng, *et al.* col.13 lines 37-38, col.14 lines 22-23 and col.20 lines 19-21). Data is retrieved from the XML columns by converting the XML data into a file or buffer using UDFs (User Defined Functions). In fact, Cheng, *et al.* teaches returning XML documents in response to a database queries based on user defined functions (UDFs). For example, when db2xml.ExtractChars(), an UDF is used in a SELECT statement to retrieve books by author 'Bob' and price greater than '$25.50', the WHERE clause of the SQL statement initially returns all *XML documents* having a book price greater than '$25.50 and the XML extender searches the narrowed pool of *documents* for *XML documents* having author's first name as "Bob" (*See* Cheng, *et al.* col.21 lines 28-48). From the foregoing, it is clear that Cheng, *et al.* returns XML documents in response to search queries rather than forming rowsets as recited in the subject claims. Additionally, Fig.8 Cheng, *et al.* of clearly discloses the hierarchical structure of documents stored within the columns of the XML table (*See* col.4 lines 49-50). Nowhere does Cheng, *et al.* teach or suggest that such *structured* document is converted to a rowset. In contrast, the subject claims provide for conversion from

hierarchical data to rowset and thereby mitigate the need for user defined functions to be used with SQL statements as disclosed in Cheng, *et al.* Upon a one-time conversion from a hierarchical format to a rowset, normal SQL queries without employment of the user defined functions such as those disclosed by Cheng, *et al.* maybe executed to retrieve rows of data from the generated rowset.

In view of at least the foregoing, it is clear that an identical invention as recited in the subject claims is not taught or suggest by Cheng, *et al.* Hence, this rejection should be withdrawn with respect to independent claims 1, 12, 20, 23, 32, 33, 37 and all the claims that depend there from.

II.b   Rejection of Claims 23-31 and 42-44 Under 35 U.S.C. §102(e)

Claims 23-31 and 42-44 stand rejected under 35 U.S.C. §102(e) as being anticipated by Cheng, *et al.* (U.S. 6,366,934). This rejection should be withdrawn for the following reasons. Cheng, *et al.* does not disclose or suggest each and every limitation set forth in the subject claims.

> A single prior art reference anticipates a patent claim only if it ***expressly or inherently describes each and every limitation set forth in the patent claim***. *Trintec Industries, Inc. v. Top-U.S.A. Corp.,* 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California,* 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The ***identical invention must be shown in as complete detail as is contained in the … claim***. *Richardson v. Suzuki Motor Co.,* 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Applicants' claimed subject matter provides for conversion of data from a relational database model to hierarchical data. To the end, independent claims 23, 25, 30 recite similar features namely: ***using a number of metaproperties in transforming the rowset into an XML data file.*** For example, referring to Fig.4B of applicants' specification, a row set to XML process 411 transforms rowset 409 into hierarchical form 413. Cheng, *et al.* does not disclose or suggest these novel aspects.

As stated *supra*, Cheng, *et al.* relates to an extender for a relational database system for storing, querying and retrieving structured documents. Accordingly, *XML*

documents are stored in existing or newly created columns of a relational database and indexes are provided for searching and retrieving such documents (*See* Cheng, *et al.* co.3 lines 61-64, col.4 lines 11-14 and col.14 lines 21-22). On page 12 of the Final Office Action dated March 30, 2007, there is an erroneous, general assertion that the features of claims 23, 25, and 30 are taught by Cheng, *et al.* This is contrary to 37 CFR 1.104 (c) (2) which requires that the particular part relied upon from a reference in a rejection must be designated as nearly as practicable and the pertinence of each reference clearly explained. However, neither does the Examiner point to nor can applicants' representative find where Cheng, *et al.* teaches converting rowsets into hierarchical data as recited in claims 23, 25, and 30. In facilitating conversion from rowset to hierarchical format, the subject claims allow transmission of data over computer network or viewing the data over text editor (*See* applicants' specification paragraph [0046] lines 6-8). Cheng, *et al.* does not disclose or suggest such claimed aspects.

In view of at least the foregoing, it is clear that an identical invention as recited in the subject claims is not taught or suggest by Cheng, *et al.* Hence, this rejection should be withdrawn with respect to independent claims, 23, 25, 30 and all the claims that depend there from.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP1469USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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